

REMARKS

I. Status of Claims

Claims 18-36 are currently pending in this application. Claim 18 is independent and amended. Support for this additional claim language can at least be found in paragraphs [0006] and [0027] of the application as published. Therefore, the Applicant respectfully submits that no new matter is added.

Claims 18-36 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Riemer *et al* (USP 5,641,031)(hereinafter “Riemer”).

The Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and the following remarks.

II. Office Action Summary

The Office Action Summary indicates that it is responsive to a communication filed on October 3, 2002; however, the Applicant respectfully submits that this date is incorrect. The correct date is March 21, 2005, which is the date of filing of the preliminary amendment.

III. Pending Claims

Independent claim 18 stands rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Riemer.

The Applicant respectfully submits that claim 18 is patentable over the cited references at least because it recites a vehicle comprising “a floor panel that separates an inside of a vehicle, which is a vehicle passenger room, from an outside of the vehicle, the vehicle passenger room is equipped with a cooling/heating system” and “a fuel cell that generates electricity through a reaction of fuel gas and oxidation gas, wherein the fuel cell is disposed on the floor panel so as to be in the vehicle passenger room in a temperature conditioned environment.”

The Applicant respectfully submits that Riemer does not disclose all of the limitations of Applicant’s claim 18. In order to reject claim 18, the Office Action cites Fig. 5, elements 3 and

15A, of Riemer; however, Riemer does not have a Fig. 5 and/or any figure disclosing these elements.

The Applicant can only assume that Riemer is erroneously listed in the Office Action and that the Office Action intended to refer to Ono *et al* (USP No. 6,378,637) (hereinafter “Ono”). The Applicant is basing this assumption on that fact that it appears Ono has a Fig. 5 showing a floor panel 15A and a fuel cell 3.

The Applicant respectfully submits that even if Riemer was erroneously cited in place of Ono, Ono nevertheless still fails to disclose that the fuel cell is disposed on the floor panel. Rather, in contrast to the present application, the fuel cells of both Riemer and Ono are disposed below the floor panel.

In order to facilitate prosecution and without waving any argument, the Applicant also includes additional language to further distinguish claim 18 from Riemer and/or Ono. More specifically, claim 18 is amended to recite that the vehicle further comprises a cooling/heating system and the fuel cell is disposed on the floor panel so as to be in the vehicle passenger room in a temperature conditioned environment. This arrangement limits the influence of outside air temperatures on the fuel cell. For example, even if the outside air temperature is low, it is possible to prevent a temperature of the vehicle passenger room from dropping. Therefore, it can prevent a temperature of the fuel cell from dropping, and from reducing output of the fuel cell. In addition, even if the outside air temperature is high, it is possible to keep the temperature of the vehicle passenger low. Therefore, the fuel cell is easily cooled.

For at least these reasons, claim 18 as well as its dependent claims are patentable over the cited references.

IV. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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